

From: John Holic

Sent: Thursday, October 20, 2016 5:41 PM

To: Ed Martin <edwilsonmartin@hotmail.com>; City Council <CityCouncil@Venicegov.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Edward Lavallee <ELavallee@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>

Subject: Re: Update on S&J/ Affected Party Negotiations

Ed,

The text showed up when I transmitted. Thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Ed Martin <edwilsonmartin@hotmail.com>

Sent: Thursday, October 20, 2016 3:59 PM

To: John Holic; City Council; Dave Persson - Persson & Cohen; Edward Lavallee

Subject: Update on S&J/ Affected Party Negotiations

Thursday, October 20, 2016

S&J/ Boone Refuse to Compromise With Affected Parties on Rezone.

UPDATE: S&J/Boone Reject Neighbors' Compromise Offerings on Laurel Road Rezone.

City officials were notified today that S&J/Boone (agent) did not reach an agreement with the affected parties/neighbors to modify its rezoning request to remove limits they had previously agreed to with the City.

The property in question lies on Laurel Road, between the Laurel-Nokomis Middle School and the Publix Shopping area at the intersection of Pinebrook Avenue.

S&J wants to build higher, more densely and in a non-Venetian style, altogether differently than their agreement with the City, building more than 300 units of apartments. Jeff Boone claimed in last weeks' hearings that the land across Laurel Road could provide 18 units per acre- an attempt to justify the S&J request. City growth and planning official, Jeff Shrum had to tell Council that was not so.

The City postponed a decision on the rezone until the 25th of October to give S&J and the neighbors a chance to reach agreement. No agreement was reached, so Council must decide whether to ignore the recommendation of the Planning Commission whose members were appointed by Mayor Holic, with Council concurrence, and ignore the City's Comprehensive Plan, or reject the rezone.

Here is a list of modifications suggested by the neighbors. Boone, if S&J has such a list, has not submitted it to the City or neighbors.

Proposed Resolution of Issues Related to S&J Rezoning

The Affected Parties offer the following ideas for further mitigation to provide the basis for a framework to resolve issues related to the proposed S&J rezoning:

1. Leave existing trees, shrubbery, bushes, and other non-invasive vegetation in the FPL easement along the southern boundary of the S&J property and permit spontaneous additional such vegetation to grow.
2. Modification to the Planning Staff's proposed rewording of the current vegetative buffer stipulation to extend along the entire width of the property including where any wetland may be located.
3. A physical barrier, wall, or fence at least 6 feet high adjacent to the above vegetative buffer and continuing for a distance of at least _____ feet to the north adjacent to the eastern and western boundaries to restrict access except for maintenance and service purposes.
4. A two tiered height step-down having a maximum of two-story total buildings closest to the southern border for a distance of at least _____ feet to the north and a second tier having a maximum of three-story total buildings for a distance of at least _____ feet to the north.
5. A building set-back of at least _____ feet from the northern boundary of the FPL easement.

The Affected Parties believe that mutually agreeable stipulations implementing the above framework would sufficiently mitigate any further incompatibility resulting from increasing the density limitation of 8 units per acre to _____ units per acre and increasing the height limitation from 35 feet to 45 feet.

IVF understands Boone offered only not to cut certain trees, nothing on height, density, or Venetian architectural. Style, which was a City requirement in the original agreement.

Posted by [Don Quixote 2 aka Ed Martin](#) at [12:55](#)



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No comments:

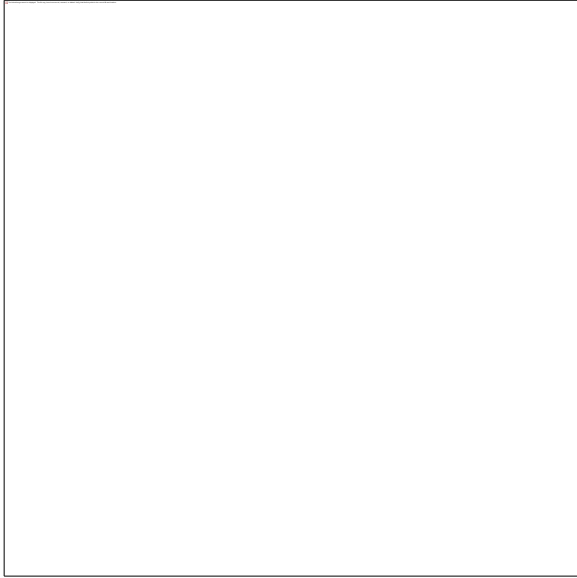
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Don Quixote 2 aka Ed Martin

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___Need to Report an Issue? SeeClickFix Venice Connect is available as an app for Android and iPhone. Select SeeClickFix from your app store on your device and choose Venice, Florida. There is also a link to the program on the city's website, www.venicegov.com, or go directly to SeeClickFix at <http://www.seeclickfix.com/Venice> _____ PLEASE NOTE: This agency is a public entity and is subject to Chapter 119, Florida Statutes, concerning public records. Email communications are covered under such laws; therefore, email sent or received on this entity's computer system, including your email address, may be disclosed to the public and media upon

request. If you do not want your email address released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: John Holic

Sent: Friday, October 21, 2016 1:49 PM

To: Jeffery A. Boone <JBoone@boone-law.com>; City Council <CityCouncil@Venicegov.com>

Cc: dlobeck lobeckhanson.com <dlobeck@lobeckhanson.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Edward Lavalley <ELavalley@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>; Jackson Boone <Jackson.Boone@boone-law.com>; Jim Collins <JCollins@boone-law.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>

Subject: RE: S&J Properties Rental Apartment Rezoning

Dear Mr. Boone,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Jeffery A. Boone [<mailto:JBoone@boone-law.com>]

Sent: Friday, October 21, 2016 1:43 PM

To: John Holic <JHolic@Venicegov.com>; City Council <CityCouncil@Venicegov.com>

Cc: dlobeck lobeckhanson.com <dlobeck@lobeckhanson.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Edward Lavalley <ELavalley@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>; Jackson Boone <Jackson.Boone@boone-law.com>; Jim Collins <JCollins@boone-law.com>

Subject: S&J Properties Rental Apartment Rezoning

Mayor Holic and Members of City Council:

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Unfortunately, and due to the contents of that email, this response is necessary.

Other than myself, our client and 2 other representatives of our firm, the only other people present at the meeting were Sorrento Ranches Attorney Dan Lobeck, and residents Robert Burrus and Gene Hines.

Neither our client nor any members of our firm discussed what transpired at, or the results of, the meeting with anyone. Apparently, the sender of the email is being used as a surrogate of the Sorrento Ranches representatives who were in attendance at the meeting, as they would have been the only ones who would have conveyed information about the meeting to anyone else.

In sum, the email contains numerous misstatements of facts, and does not provide a full description of all that transpired during the meeting. One has to wonder if it is simply an attempt to poison your minds against our client's rezoning application.

If necessary, we will be prepared to fully discuss the meeting at the City Council public hearing on October 25th.

We do not intend to become involved in an email exchange over this matter. Therefore, if any other emails are received about this matter, please do not interpret any silence on our part as any agreement whatsoever to anything that may be contained in such emails.

Thank you,

Jeff Boone

Jeffery A. Boone, Esq.
BOONE, BOONE, BOONE & KODA, P.A.
P.O. Box 1596
1001 Avenida del Circo
Venice, FL 34285
(941) 488-6716
e-mail: jboone@boone-law.com

From: John Holic

Sent: Friday, October 21, 2016 3:04 PM

To: dlobeck@lobeckhanson.com <dlobeck@lobeckhanson.com>; City Council <CityCouncil@Venicegov.com>; Jeffery A. Boone <jboone@boone-law.com>

Cc: Edward Lavallee <ELavallee@Venicegov.com>; Jim Collins <jcollins@boone-law.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>; bob@inova-research.com; Jackson Boone <jackson.boone@boone-law.com>; Jeff Shrum <JShrum@Venicegov.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>

Subject: Re: S&J Properties Rental Apartment Rezoning

Dear Mr. Loebeck,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

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From: dlobeck@lobeckhanson.com <dlobeck@lobeckhanson.com>

Sent: Friday, October 21, 2016 2:45:41 PM

To: Jeffery A. Boone; John Holic; City Council

Cc: Jackson Boone; Dave Persson - Persson & Cohen; Edward Lavallee; Jeff Shrum; Lori Stelzer; Jim Collins; Heather Taylor; bob@inova-research.com

Subject: RE: S&J Properties Rental Apartment Rezoning

Mr. Boone's assertion that Mr. Martin was used as a surrogate for Sorrento Ranches HOA in sending his email is completely false. After conferring with my client, I can assure you that Mr. Martin

acted entirely on his own.

-- Dan Lobeck

On October 21, 2016 at 1:49 PM John Holic <JHolic@Venicegov.com> wrote:

Dear Mr. Boone,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Jeffery A. Boone [<mailto:JBoone@boone-law.com>]
Sent: Friday, October 21, 2016 1:43 PM
To: John Holic <JHolic@Venicegov.com>; City Council <CityCouncil@Venicegov.com>
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Thank you,

Jeff Boone

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Venice, FL 34285
(941) 488-6716
e-mail: jboone@boone-law.com

From: John Holic

Sent: Friday, October 21, 2016 5:06 PM

To: Ed Martin <edwilsonmartin@hotmail.com>; Dan Lobeck <dlobeck@lobeckhanson.com>; City Council <CityCouncil@Venicegov.com>; Jeffrey Boone <jboone@boone-law.com>

Cc: dpersson@swflgovlaw.com; Edward Lavallee <ELavallee@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>

Subject: Re: Surrogate

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

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From: Ed Martin <edwilsonmartin@hotmail.com>

Sent: Friday, October 21, 2016 4:14:45 PM

To: John Holic; City Council; Jeffrey Boone; Dan Lobeck

Subject: Surrogate

Dear Mayor and Council,

I note in the City email server, that Jeffrey Boone, has accused me of being a surrogate for the affected parties in the S&J rezoning before Council. I can only believe that Mr. Boone has been watching too much Donald Trump and has adopted his unsubstantiated allegations patterns. Mr. Boone once wrote that I had an estate on Long Island from which I was writing my columns for the Venice Gondolier. No property at all, was the truth.

In May of 2006 I wrote despairingly of plans to build tall multi-story buildings along Laurel Road. In October 2006, I wrote specifically about S&J properties in the Gondolier. A quote, "(Mr. Boone) said that S&J did not expect to build more than 8 units an acre."

As Mr. Boone knows, the Council on which I served, (2007-2010), passed a Comprehensive Plan in 2010, limiting height and density and calling for a Venetian architectural theme consistent with an important gateway to the City, (Pinebrook and Laurel Roads). The neighboring Publix adopted the theme and, of course, so did S&J in its agreement with the City which it now seeks to overturn.

In short, my interest in this area goes back before the S&J issue, was highly visible to Mr. Boone, who appeared before us repeatedly, and this allegation only enhances his reputation with me for inaccuracy and careless research.

Sincerely,

From: Dan Lobeck [mailto:dlobeck@lobeckhanson.com]

Sent: Monday, October 24, 2016 10:35 AM

To: John Holic <JHolic@Venicegov.com>; City Council <CityCouncil@Venicegov.com>

Cc: 'Jeffery A. Boone' <JBoone@boone-law.com>; 'Dave Persson - Persson & Cohen' <dpersson@swflgovlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>; Edward Lavallee <ELavallee@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>; 'Jackson Boone' <Jackson.Boone@boone-law.com>; 'Jim Collins' <JCollins@boone-law.com>; 'Robert S. Burrus, Jr., Ph.D.' <bob@inova-research.com>; 'Gene Hines' <gh1972lt1@msn.com>

Subject: S&J Properties Rezoning

Honorable City Council Members:

This is an additional effort to clear up any confusion which may have been created by the emails last week by Mr. Boone and others, with regard to the October 19 settlement conference which was requested by Council.

The conference, at Mr. Boone's offices, convened about 1 pm. With me were Dr. Robert Burrus and Gene Hines for the Sorrento Ranches affected parties. With Jeff Boone were Jim Collins and Jackson Boone and on the phone S&J principal Tom Joseph.

We conferred for about two hours on the settlement proposal offered by Sorrento Ranches, which you were previously provided. After substantial back-and-forth, we arrived at the draft which is attached, showing the changes to the original in writing. Jeff Boone consented to our suggestion to leave the density number blank pending input from his client, as we stated that we were open to a density approaching the 12 units per acre most requested by the applicant if sufficient mitigation measures are included. Then Mr. Boone asked for an opportunity to confer with his client. We were called back in. Mr. Boone announced that his client was not willing to consider any of our proposals, or alternative mitigation measures, except perhaps some preservation of the existing trees along the southern border of the S&J property. Once it became clear that any further discussion would not be entertained by the applicant, we thanked Mr. Boone and his client and left the offices, at about 3:30 pm.

-- Dan Lobeck

From: Jeffery A. Boone [mailto:JBoone@boone-law.com]

Sent: Friday, October 21, 2016 1:43 PM

To: JHolic@venicegov.com; citycouncil@venicegov.com

Cc: dlobeck@lobeckhanson.com; Dave Persson - Persson & Cohen; Ed LaVallee; Jeff Shrum; Jackson Boone; Jim Collins

Subject: S&J Properties Rental Apartment Rezoning

Mayor Holic and Members of City Council:

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Thank you,

Jeff Boone

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(941) 488-6716
e-mail: jboone@boone-law.com

Proposed Resolution of Issues Related to S&J Rezoning

and to a distance
25 feet to the
north of that
boundary,

The Affected Parties offer the following ideas for further mitigation to provide the basis for a framework to resolve issues related to the proposed S&J rezoning:

1. Leave existing trees, shrubbery, bushes, and other non-invasive vegetation in the FPL easement along the southern boundary of the S&J property and permit spontaneous additional such vegetation to grow. *FPL easement and*
2. Modification to the Planning Staff's proposed rewording of the current vegetative buffer stipulation to extend along the entire width of the property including where any wetland may be located.
3. A physical barrier, wall, or fence at least 6 feet high adjacent to the above vegetative buffer and continuing for a distance of at least 100 feet to the north adjacent to the eastern and western boundaries to restrict access except for maintenance and service purposes.
4. A two tiered height step-down having a maximum of two-story total buildings closest to the southern border for a distance of at least 50 feet to the north and a second tier having a maximum of three-story total buildings for a distance of at least 50 feet to the north.
5. A building set-back of at least 50 feet from the northern boundary of the FPL easement.

The Affected Parties believe that mutually agreeable stipulations implementing the above framework would sufficiently mitigate any further incompatibility resulting from increasing the density limitation of 8 units per acre to _____ units per acre and increasing the height limitation from 35 feet to 45 feet.

inclusive of the vegetative
buffer

, except where any wetland is located,

PROPOSED STIPULATIONS FOR S&J REZONE ORDINANCE
(Recommended During Public Hearing on October 11, 2016)

1) Require non-vehicular connectivity between this parcel and the eastern property;

2) Height limit of 35 feet;

3) Density shall not exceed eight units per acre; *that*

4) A vegetative buffer shall be placed adjacent to the north boundary of the FPL easement along the entire width of the property, *that* except where any wetland is located. The vegetative buffer shall be so designed, planted and maintained to be 70 percent or more opaque between two and six feet above the average ground level when viewed horizontally. Plantings shall be of a size and type which will ensure the meeting of the 70 percent opacity requirement within 12 months of the date of first planting;

5) Venetian Gateway standards relating to architectural design and signage standards; and

6) If at the time of site and development plan approval, the developer restricts the use of this parcel to rental units only and the city approves and adopts this restriction, stipulations 1, 2, 3 and 5 shall not apply and the following shall apply:

a) the southerly most buildings shall be limited to 35 feet in height;

b) density shall not exceed 12 units per acre, and

c) all other buildings except those described in restriction "a" above shall be limited to a maximum of 45 feet in height.

*to the extent
allowed by the
FPL
easement,*

*the buffer shall be
located at the
south end of
the wetland*

From: John Holic

Sent: Monday, October 24, 2016 5:06 PM

To: Dan Lobeck <dlobeck@lobeckhanson.com>; Jeffery A. Boone <jboone@boone-law.com>; City Council <CityCouncil@Venicegov.com>

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Subject: Re: S&J Properties Rezoning

Dear Mr. Boone,
On behalf of Venice City Council, thank you for your comments.
Sincerely,
John Holic
Mayor, City of Venice

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From: Jeffery A. Boone <[JBoone@boone-law.com](mailto:jboone@boone-law.com)>

Sent: Monday, October 24, 2016 2:54:05 PM

To: Dan Lobeck; John Holic; City Council

Cc: 'Dave Persson - Persson & Cohen'; Lori Stelzer; Edward Lavallee; Jeff Shrum; Jackson Boone; Jim Collins; 'Robert S. Burrus, Jr., Ph.D.'; 'Gene Hines'

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Mr. Mayor and City Council Members:

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Cc: dlobeck@lobeckhanson.com; Dave Persson - Persson & Cohen; Ed LaVallee; Jeff Shrum; Jackson Boone; Jim Collins

Subject: S&J Properties Rental Apartment Rezoning

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(941) 488-6716
e-mail: jboone@boone-law.com

From: Joyce Adams [mailto:fltrailrunr@hotmail.com]
Sent: Tuesday, October 25, 2016 8:50 AM
To: City Council <CityCouncil@Venicegov.com>
Subject: re: affordable housing

Good Morning:

I just heard that you are discussing allowing a developer to alter originally submitted plans to allow for affordable rental units. I APPLAUD this movement. I would like to suggest that it is presented as "starter home" mentality rather than "affordable". My clients have discussed this with me as part of conversation, and they repeatedly confuse "affordable" with "subsidized". There is a stigma with subsidized, but when presented as a way for new grads to get a foothold and for health care workers, etc to be able to live where they work, they are much more open to the concept. We have tried to have temporary, seasonal workers and cannot find housing for them. It is way past due.

Thanks for listening.

Joyce Adams, MSPT (physical therapist)

From: John Holic

Sent: Tuesday, October 25, 2016 2:58 PM

To: Fred Fraize <FFraize@Venicegov.com>; Richard Cautero <RCautero@Venicegov.com>; Edwin Martin <insidevenice@gmail.com>; Jeanette Gates <JGates@Venicegov.com>; Kit McKeon <KMCKEON@venicegov.com>; Deborah Anderson <DAnderson@Venicegov.com>; Robert Daniels <RDaniels@Venicegov.com>

Cc: dpersson@swflgovlaw.com; Edward Lavalley <ELavalley@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>

Subject: Re: S&J Rezone, Mistaken Judgement, 10/25/2016, Possible Alternative

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

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From: Edwin Martin <insidevenice@gmail.com>

Sent: Tuesday, October 25, 2016 2:20:37 PM

To: John Holic; Kit McKeon; Richard Cautero; Fred Fraize; Jeanette Gates; Robert Daniels; Deborah Anderson

Subject: S&J Rezone, Mistaken Judgement, 10/25/2016, Possible Alternative

Mayor and Council,

You have made a travesty of some of the fundamental rules which should have guided your judgement on this rezone, by failing to support three City administrations' stipulations protecting the public. Instead you agreed, on first reading, to enhance the financial gains of a developer with no guaranteed benefits to the City.

Specifics:

1. The Planning Commission appointed by Mayor Fred Hammett did not accept the S&J zoning proposal.
2. The 2008 Council, succeeding the Hammett Council, approved the current zoning only with the stipulations dealing with density, 8/acre; height, 35 feet maximum; architectural conformity with Venetian Gateway style, and various setback and buffering provisions. I can assure you that Council would not have accepted the changes you are making. As proof, I offer the Comprehensive Plan for Growth which incorporates the height, density, compatibility, and similar provisions, adopted following the zoning approval, and covering the City. (exception for pre-existing buildings, e.g. Esplanade.
3. Mayor Holic appointed the current Planning Commission, including experienced and legally sophisticated members. That Commission, representing the third successive Council, voted no

on this rezone, and recommended the Council do the same. There was only one dissenting vote, a realtor.

****Summary of above; You have rejected the advice of your own Planning Commission and the judgement of two previous Councils and citizen Planning Commissions.**

4. It is my understanding that the hope of apartments, affordable, motivated some members. The proposed stipulations protect, to some degree Sorrento Ranches, e.g. lower building heights near them, but higher near Laurel Road. The S&J stipulations does nothing to protect the citizens traveling along Laurel Road or the future neighbors across Laurel Road. The potential impact on the Laurel Nokomis School children has not been discussed or measured

5. Council has failed in its responsibility to citizens by failing to get any provisions in writing guaranteeing that these taller, more dense, buildings will, in fact, be affordable or the new zoning and site plan will not be approved. An example, that you should have followed, was how the City approved the plans of the Gulf Coast Community Foundation. Council provided some height and density exemptions in exchange for written guarantees from the Foundation about the affordable nature of the project. When the Foundation chose not to build- the zoning exemptions were not implemented for general development.

It is hard for me, and I apologize for the negative tone, to understand how Council could have been naive enough, or poorly informed enough, to fail to get, in writing, this critical ingredient in its decision. Essentially, you have provided an open-ended approval of any kind of apartments, with no limit on rental price or architectural style.

6. City Attorney Persson may advise you whether you can improve the protections for the City prior to a second reading, or whether you need to defeat the plan and draft another. I hope you will be more inclined to place rental cost stipulations for a portion of the project, and retain the current stipulations, if approved at all.

I hope you will improve your governance while there is still time.

Ed Martin.
Mayor of Venice, 2007-2010.

From: Ed Martin [mailto:insidevenice@gmail.com]
Sent: Wednesday, October 26, 2016 11:50 AM
To: Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>
Cc: John Holic <JHolic@Venicegov.com>; City Council <CityCouncil@Venicegov.com>; Edward Lavallee <ELavallee@Venicegov.com>; earle.kimel@heraldtribune.com; Tom Tryon <tom.tryon@heraldtribune.com>; tom.lyons@heraldtribune.com; Ronald Dupont Jr. <rdupont@venicegondolier.com>; greg giles <ggiles@venicegondolier.com>; Bob Mudge <bmudge@venicegondolier.com>
Subject: Re: Request to ask Mr Persson: Your quote in the Sarasota Herald Tribune-Rentals

Thank you, I appreciate your answer.

Ed

Sent from my iPad

On Oct 26, 2016, at 10:41 AM, Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com> wrote:

Good Morning Mayor Martin,
Mayor Holic has permitted me to respond to your question. The S&J rezoning request remains a quasi judicial proceeding since it requires enactment by ordinance with two public hearings. The City has held only one public hearing, albeit a long one. Discussion regarding the substance of the rezoning outside either hearing is an ex parte communication and I have asked all officials deciding quasi-judicial cases to avoid ex parte communications to the greatest extent possible.
The discussion that I have seen could be construed as intertwined with the rezoning request, so communications and discussion would best occur at the public hearing. I hope that helps clarify things.
Best regards,
Dave Persson

From: Ed Martin [<mailto:insidevenice@gmail.com>]
Sent: Wednesday, October 26, 2016 10:17 AM
To: John Holic
Cc: City Council; Dave Persson - Persson & Cohen; Edward Lavallee; earle.kimel@heraldtribune.com; Tom Tryon; tom.lyons@heraldtribune.com; Ronald Dupont Jr.; greg giles; Bob Mudge
Subject: Request to ask Mr Persson: Your quote in the Sarasota Herald Tribune-Rentals

Will you please ask Mr. Persson when you may answer my questions and to communicate that to me. Thank you

Ed Martin

Sent from my iPad

On Oct 26, 2016, at 3:59 AM, John Holic <JHolic@Venicegov.com> wrote:

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Edwin Martin <insidevenice@gmail.com>

Sent: Tuesday, October 25, 2016 9:28:42 PM

To: John Holic; City Council; Dave Persson - Persson & Cohen; Edward Lavallee; earle.kimel@heraldtribune.com; Tom Tryon; tom.lyons@heraldtribune.com; Ronald Dupont Jr.; greg giles; Bob Mudge

Subject: Your quote in the Sarasota Herald Tribune-Rentals

Mayor and Council,

This is to follow up on my correspondence, earlier today, concerning the approval of the SJ rezone, which ignored your Planning Commission's recommendations as well as earlier agreements negotiated by the City.

You are quoted in the Herald Tribune as follows:

“What this means is the rent should be lower on the apartments that they’re building than it would, had it been at the eight units per acre,” Venice Mayor John Holic said after the meeting.

Holic then added that while the rent may not be low enough for entry-level tenants, it should be low enough for police, firefighters and registered nurses.

Is this statement based on data presented at the hearing? Is there an independent analysis of the likely rental costs that indicates police officers, nurses, etc. will be able to afford the rents?

Have you had conversations with the projected owner, or is this your off-the-cuff speculation?

I hope you will inform the citizens of Venice about the specifics backing these statements.

It would be a step forward if Council would identify the rental costs that would allow your statements to be true, and make those parts of the stipulations, which, if not met would allow the City to return to the currently approved zoning and stipulations.

Please let me know how and when you will be able to answer these questions.
Thank you,

Ed Martin

From: John Holic
Sent: Wednesday, October 26, 2016 1:50 PM
To: Ed Martin <insidevenice@gmail.com>; City Council <CityCouncil@Venicegov.com>
Cc: Ed Martin <insidevenice@gmail.com>
Subject: Re: City can negotiate "affordable" rental terms on S&J rezone (resend)

Dear Mr. Martin,
Thank you for your comments. This one made it through without the excerpts from Davis, CA ordinance.

Thanks,
John Holic
Mayor, City of Venice

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From: Ed Martin <insidevenice@gmail.com>
Sent: Wednesday, October 26, 2016 1:46 PM
Subject: Re: City can negotiate "affordable" rental terms on S&J rezone (resend)
To: John Holic <jholic@venicegov.com>, City Council <citycouncil@venicegov.com>
Cc: Ed Martin <insidevenice@gmail.com>

John, if this message is received properly please let me know. I will also forward the Sample of Davis code

Sent from my iPad

On Oct 26, 2016, at 1:42 PM, Ed Martin <insidevenice@gmail.com> wrote:

Sent from my iPad

Begin forwarded message:

From: Ed Martin <insidevenice@gmail.com>
Date: October 26, 2016 at 12:48:37 PM EDT
To: john holic <jholic@venicegov.com>, City Council <citycouncil@venicegov.com>
Cc: Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>, Edward Lavallee <ELavallee@Venicegov.com>, Jeff Shrum <jshrum@venicegov.com>
Subject: City can negotiate "affordable" rental terms on S&J rezone

The "affected parties" have agreed but there are other parties involved, if not represented by counsel--they are the City's citizens, Laurel Road and Citywide. They are not beneficiaries in clear terms.

Mayor Holic mention to the SHT the potential housing for city residents such as Police or Teachers. However, nothing in the agreement speaks to that concern, no provisions, stipulations, etc.

There is a nationwide pattern of including guarantees in exchange for zoning approvals or concessions. Council just approved, on first reading, a 50 percent increase in density and a 10 foot increase in building height, without any guaranteed return value to the City.

I believe you should amend this first-stage agreement at the second reading to include provisions that identify that a portion of the excess development rights granted be, in fact, offered at a price working families can afford. Various municipalities have done just that and City Staff can research that and make suggestions to you. If that requires a postponement for fact gathering, that is in the taxpayers' interest.

Just to get the ball rolling here are some excerpts from a Davis, CA ordinance, involving mixed use housing proposed by a developer in negotiations with the City. I simply chose it from the Internet, and am not suggesting it for Venice, but rather, using it to present the concept of reciprocal benefit. At present, only S&J gains from the modifications in a plan they had agreed to and one your own Planning Commission supported.

I sincerely hope you and Council are opening to improving the City's end of this uneven bargain at present.

Ed Martin

From: Ed Martin [mailto:insidevenice@gmail.com]

Sent: Wednesday, October 26, 2016 1:50 PM

To: ed martin <insidevenice@gmail.com>; City Council <CityCouncil@Venicegov.com>; Edward Lavallee <ELavallee@Venicegov.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; John Holic <JHolic@Venicegov.com>

Subject: Fwd: New Note

Mayor, this is a resend of a sample of the Davis code re "affordable" housing agreement with developer. If received, please confirm. Thanks,

Ed

Sent from my iPad

Begin forwarded message:

From: Ed Martin <insidevenice@gmail.com>

Date: October 26, 2016 at 1:40:55 PM EDT

To: ed martin <insidevenice@gmail.com>

Subject: New Note

3.0 Project's Affordable Housing Requirement

Based on the City's Affordable Housing Ordinance, as amended on July 9, 2013, the affordable housing requirements that are applicable to the Project are as follows:

- Provide a graduated scale for for-sale inclusionary obligations that is more compatible with the City's planning policies to promote infill and a greater variety of housing types, according to the following ranges:
 - 25% of large-lot single-family units (5,000 square feet or larger)
 - 15% of small-lot single family detached units
 - 10% of single-family attached units
 - 0% for stacked flat condominiums, or rental units in vertical mixed-use buildings
- Provide a credit for Accessory Dwelling Units (ADUs or second units), toward the inclusionary requirements on a 50% basis, according to the following criteria:
 - No more than 50% of a project's obligation may be met by ADUs
 - ADUs must meet performance standards to promote leaseability, including minimum size of unit and the provision of direct access from a street, alley or greenbelt
- Retain the land dedication option

Consistent with the City's Affordable Housing Ordinance (18.05 of the Municipal Code) and applicable Housing Element policies, The Cannery is required to provide 58 affordable housing units.¹

| | Type | Lot Sizes | Total Units | Affordable Housing Requirement | |
|----------------------|-------------|----------------------|-------------|--------------------------------|-------|
| | | | | Percentage | Units |
| The Park Homes | SF detached | >5,000' | 45 | 25% | 11.25 |
| The Park Homes | SF detached | 50-55' x 90' (4950') | 42 | 15% | 6.3 |
| Cannery Village | SF detached | >5,000' | 5 | 25% | 1.25 |
| Cannery Village | SF detached | 45' x 105' (4725') | 11 | 15% | 1.65 |
| The Cottages | SF detached | 48' x 75' (3600') | 76 | 15% | 11.4 |
| The Bungalow Alleys | SF detached | 40' x 80' (3200') | 44 | 15% | 6.6 |
| The Courts | SF detached | - | 72 | 15% | 10.8 |
| The Brownstones | SF attached | - | 72 | 10% | 7.2 |
| Studio Row | SF attached | - | 12 | 10% | 1.2 |
| The University Flats | SF attached | - | 96 | 0% | 0 |
| The Cannery Lofts | - | - | 40-60 | 0% | 0 |
| Market Flats | - | - | 12 | 0% | 0 |

¹ The Cannery will be consistent with the City's Affordable Housing Ordinance (18.05 of the Municipal Code). Should ultimate unit counts vary The Cannery projects Affordable Housing Requirement shall be increased or decreased accordingly.

The Cannery Affordable Housing Plan
Project Individualized Plan
Revised August 28, 2013

1.0 Proposed Project

ConAgra Foods Inc. and The New Home Company ("Applicant") propose The Cannery project on the Con Agra Food, Inc. property north of East Covell Boulevard in the City of Davis. The Cannery project ("project") is a mixed-use, multi-generational neighborhood with housing opportunities for families, young professionals and seniors, a neighborhood mixed-use site, parks, open space and urban farm uses.

The 100.1-acre Cannery site is generally a slanted rectangle and its boundaries are defined by East Covell Boulevard on the south, existing Union Pacific Railroad (UPRR) line and the F Street open drainage channel on the west and agricultural lands on the north and east.

The Cannery project includes 547 residential units in a variety of housing types and configurations, a mixed-use center featuring commercial, office, flex, and neighborhood-serving uses, park, open space, and urban farm and clubhouse uses, as shown on The Cannery Planned Development (PD) Exhibit, Figure 1. The residential portion of the project consists of the following unit mix:

| | Planned Development Density Range | Gross Acres | Units |
|-----------------------------|-----------------------------------|-------------------|-------|
| Low Density Residential | 3.0 to 5.9 units/acre | 152 | 87 |
| Medium Density Residential | 6.0 to 13.9 units/acre | 26.3 | 208 |
| High Density Residential | 14 to 40 units/acre | 12.4 ¹ | 228 |
| Mixed Use Residential Units | | | 24 |
| | | 53.9 | 547 |

¹ Acreage and unit count for the High Density Residential category does not include Mixed-Use site units.

Residential units will be provided in a variety of housing types and sizes suitable for a variety of residents including families, small households, working professionals and seniors.

| PUD Area | Housing Area | Residential Product Type | Lot Sizes | Units |
|----------|----------------------|--|------------|-------|
| Area A | The Park Homes | Single Family Units | 50' x 90' | 87 |
| Area B | Cannery Village | Single Family Units with Cottage Units | 45' x 105' | 16 |
| Area C | The Cottages | Single Family Units | 48' x 75' | 76 |
| Area D | The Bungalow Alleys | Alley Homes with Above Garage Units | 40' x 80' | 44 |
| Area E | The Courts | Court Homes | - | 72 |
| Area F | The Brownstones | Row Houses | - | 72 |
| Area G | The University Flats | Stacked Flats | - | 96 |
| Area H | The Cannery Lofts | Multi-Family Apartments | - | 40-60 |
| Area I | Market Flats | Mixed Use - Apartments | - | 12 |
| Area I | Studio Row | Mixed Use - Live Work Units | - | 12 |
| | | Total | | 547 |

THE CITY OF DAVIS AFFORDABLE HOUSING PROGRAM

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The City of Davis has had a long standing commitment to affordable housing. Since the late 1980s Davis has had inclusionary requirements in its General Plan policies, and in 1990 adopted an ordinance requiring affordable housing (both rental and ownership) for households from extremely low (30% AMI) to moderate (120% AMI) income levels. Since the adoption of this ordinance, 1,800 affordable units have been developed, with 1,100 of those units remaining permanently affordable.

The City's Municipal Code is located [here](#). Chapter 18 of the ordinance contains the City's Affordable Housing requirements for owner occupancy (18.04) and housing development (18.05).

One of the biggest accomplishments of the city's affordable housing program is its variety of development types to meet the needs of the community. There are affordable homes and apartments, for rent and for purchase, spread throughout the city, in mixed income developments, and solely affordable developments. There are cooperative housing projects, senior-specific housing, and supportive housing for individuals with special needs.

In 2014 the Social Services Commission, at the direction of the City Council, held a series of workshops on the Affordable Housing Program, discussing the program's past accomplishments, present status and future possibilities. A summary of the workshops is available for download below:

From: John Holic

Sent: Friday, October 28, 2016 6:14 AM

To: Ed Martin <insidevenice@gmail.com>; City Council <CityCouncil@Venicegov.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Edward Lavalley <ELavalley@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>

Subject: Re: Assuring some units affordable to working Venice families. Update info.

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Ed Martin <insidevenice@gmail.com>

Sent: Thursday, October 27, 2016 9:17:52 PM

To: John Holic; City Council; Dave Persson - Persson & Cohen; Edward Lavalley

Subject: Assuring some units affordable to working Venice families. Update info.

More than 1200 people have decided to read the recommendations I sent to you about specifying a percentage of S&H rental units for the kind of people you mentioned, teachers and police officer and I added, PGT, Tervis, healthcare, etc.

It is one of the most highly responded to posts ever on Inside Venice Florida. Earlier messages topped 500 each, just on the S&H rezoning.

Ed Martin

Sent from my iPad